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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,043	01/17/2002	Knut Snorre Bach Corneliussen	3842-13	1164

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EXAMINER

CHOW, MING

ART UNIT PAPER NUMBER

2645

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,043

Applicant(s)

CORNELIUSSEN ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

ALLOWABLE SUBJECT MATTER

1. Claims 13-20 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Upon close review of the claims, the prior art and applicant's remarks it appears that the allowance of claims 13-20 is appropriate. The prior art does not teach a telecommunication system conforming to a layered system model comprising a service layer, a signaling layer, and a media layer. A user terminal side subscriber specific supplementary service handler element resides in the signaling layer and being operatively associated with a network side subscriber specific supplementary service executor element residing in the service layer. The user terminal side subscriber specific supplementary service handler element includes a user interface means. The network side subscriber specific supplementary service executor element being adapted to exchange via a second service path layer originating user related and destination user related service information, to detect service interaction conflict on basis of service information, to convey the call setup request.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “said service subscriber specific supplementary executor” (line 8) is not clearly defined.
2. Claims 3, 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “said network side subscriber specific supplementary network side service executor” (line 1-2) is not clearly defined.
3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “said subscriber specific supplementary service executor” (line 5) is not clearly defined. It is unclear the claimed refers to “network side subscriber specific supplementary service executor” or “corresponding network side subscriber specific supplementary service executor”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Thornton et al (US: 6363065).

For claim 1, Thornton et al teach on column 4 line 44 to column 7 line 6, in order to provide sufficient QoS of call (reads on claimed “basic call service for maintenance”), the call is either auto-switched from the PSTN to a data network or the opposite. The auto-switch includes call set-up and tear-down between the PSTN and the data network.

Art Unit: 2645

Thornton et al teach on item 200 Fig. 1, gateway (claimed “network side subscriber specific service executor”) for execution of call services.

Thornton et al teach on column 18 line 18-24, a gatekeeper on a terminal (claimed “user terminal side subscriber specific supplementary service handler”) providing address translation and call control signaling (claimed “subscriber specific supplementary service”).

Thornton et al teach on item 200 Fig. 1 gateway (claimed “corresponding network side subscriber specific supplementary service executors”).

Regarding claim 2, the gatekeeper of Thornton et al provides address translation and call signaling control in order to initiate a call.

Regarding claim 3, Thornton et al teach on column 5 line 29-45, column 33 line 34-50, gateways communicate call setup information (CallId, calling and called flags) to call handler process (claimed “signaling handler”) between themselves.

Regarding claims 4, Thornton et al teach on item 505 Fig 5, column 23 line 42-43, configuration manager.

Regarding claims 5, Thornton et al teach on column 5 line 29-45, H.323 call setup.

Regarding claims 6, all rejections as stated in claim 1 above apply.

Art Unit: 2645

Thornton et al teach on column 4 line 44 to column 7 line 6, measurement of QoS (claimed “exchanging originator and destination service information”) to determine (claimed “evaluating”) network quality has either increased (claimed “no service interaction problem is detected”) or decreased (claimed “a service interaction problem is detected”) to necessitate either a PSTN connection (claimed “a call setup request”) or a data network connection (claimed “indicating a service interaction problem”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al as applied to claim 6 above, and in view of Xu et al (US: 6738390).

Thornton et al failed to teach “establishing, on basis of said call set-up request, a call having an associated media channel by said originating side signaling handler and a corresponding destination side signaling handler, and, then, exchanging media between said originating side media handler and a corresponding destination side media handler by a said

Art Unit: 2645

media channel". However, Xu et al teach on column 1 line 21-33, the H.323 terminals support H.245 signaling negotiation of media channel usage for call setup.

It would have been obvious to one skilled at the time the invention was made to modify Thornton et al to have the "establishing, on basis of said call set-up request, a call having an associated media channel by said originating side signaling handler and a corresponding destination side signaling handler, and, then, exchanging media between said originating side media handler and a corresponding destination side media handler by a said media channel" as taught by Xu et al such that the modified system of Thornton et al would be able to support the system users conveniences of setting call by exchanging media via a media channel.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2645

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow



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